

DOCUMENT OF DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT

CONSTRUCTION OF A RAISED BOARDWALK AND IMPROVEMENTS TO WILDLIFE
VIEWING AREAS AT DYKE MARSH

The Alternative D (*revised*), identified as the preferred Alternative in the "Environmental Assessment for the Construction of a Raised Boardwalk improvements to Wildlife Viewing areas at Dyke Marsh" is not a major federal action and does not significantly affect the quality of the human environment under Section 102(2)(C) of the National Environmental Policy Act of 1969. Pursuant to Section 102(2)(C) of the aforementioned Act and to the guidelines of the Council on Environmental Quality. I further find that, this proposal does not require the preparation of an Environmental Impact Statement.

The preferred Alternative D (*revised*) allows for better and appropriate access, viewing and educational opportunities in Dyke Marsh than the current proliferation of informal social trails currently afford, and will encourage visitor use patterns that are more consistent with protection of the area's sensitive ecosystem. The attached Figure 5a depicts the preferred alternative and was taken from the "Environmental Assessment for the Construction of a Raised Boardwalk improvements to Wildlife Viewing areas at Dyke Marsh."

The proposed action is based on longstanding observations by National Park Service staff and park visitors that the current trail system neither provides adequate access to the marsh, nor is appropriate for the protection of vegetation and wildlife, including migratory and nesting bird species. While the Dyke Marsh Trail (also known as the "Haul Road") provides reasonably good access to a point somewhat beyond the existing wooden footbridge, from that point the trail simply degenerates into a network of poorly defined, muddy social trails, many of which are inundated at high tide. While the social trails suggest a desire by visitors to be able to access the area, it is clear that there is no well-defined or officially designated trail to meet that need. The existing conditions are insensitive to protection of vegetation and wildlife, and encourage the inappropriate and unmanaged development of more social trails, which results in trampling of vegetation and impacts to nesting birds and other marsh wildlife. In addition, tidal fluctuations effectively limit opportunities to access some of the most scenic and interesting portions of the marsh, since much of the area is inundated or excessively muddy much of the time.

Increasingly, Dyke Marsh serves as a venue for environmental education and science programs for local school systems. The Parkway's expanding Parks-As-Classrooms program, as well as a multi-park science oriented program, brings elementary and high school aged students to Dyke Marsh for educational programs. Construction of the boardwalk and viewing platform as described in the preferred Alternative D (*revised*) will:

1. Enhance educational opportunities by making the marsh more easily accessible.
2. Minimize trampling of wetland vegetation by offering a raised path in lieu of social trails.
3. Improve wildlife viewing opportunities while protecting sensitive resources.

While this project has been under consideration by the National Park Service for many years, federal funds have not been available for it. An opportunity has become available, however, pursuant to a Consent Decree between Colonial Pipeline Company (Colonial), the United States of America, the District of Columbia, and the Commonwealth of Virginia. A 1993-oil spill by Colonial caused significant natural resource damage and loss of recreational opportunities in and adjacent to the Potomac River. The Consent Decree, filed with the United States District Court for the Eastern District of Virginia, resolves the claims made by the United States and other plaintiffs by requiring Colonial to implement certain projects in all of the affected jurisdictions.

Several alternatives were considered with this proposed action including No Action (Alternative A). The other alternatives considered a boardwalk "Y" configuration (Alternative B) that provided both northern and southern views and a smaller loop configuration (Alternative C) that provided access to views of a smaller portion of the marsh (just southern views). The preferred Alternative D (*revised*) follows a similar loop configuration as the original Alternative D and will provide access to both the northern and southern views. The original Alternative D was revised as a result of public comments received that provided new information about nesting bird habitat. Therefore, the Alternative D (*revised*) encompasses a slightly smaller area than the original Alternative D but still provides access to both northern and southern views.

To minimize construction impacts, sensitive plant and animal habitats will be located and marked for protection during construction of the boardwalk. Short-term, temporary impacts will include the direct affects of construction such as the removal of vegetation in the immediate corridor of the boardwalk, noise from workers and some motorized equipment, etc. Such impacts will be controlled and minimized through appropriate construction techniques and limitations on how the work is carried out. Preparation for pilings will be accomplished either by hand or by mechanical auger and delivered to the site by a "Bobcat". The limits of construction of the boardwalk not exceed 9 feet. A park staff member will monitor to ensure that the limits of construction are not exceeded and that identified areas of sensitive habitat are protected. Minor improvements to the existing trail between the wooden footbridge and the beginning of the boardwalk will include addition of bank run gravel, trail cribbing, water bars, and other standard trail work consistent with maintaining the current character of the Dyke Marsh Trail, but improving its definition, tread, and drainage.

Short-term, controlled impacts to the environment during construction will occur, and long-term impacts due to shading of vegetation under the boardwalks will also occur. Long-term positive impacts by reducing the proliferation of social trails and damage to vegetation caused by uncontrolled visitor use will be provided.

The interpretive potential of the park will increase by providing improved access to areas of the marsh that are frequently wet, muddy, or submerged and by installing one or more interpretive wayside exhibits that will help visitors better understand the marsh and its wildlife.

Implementation of certain aspects of this project is being made available pursuant to the Restoration Plan for the Colonial Pipeline Oil Spill. These alternatives will make use of this opportunity. Once completed, routine maintenance costs under each alternative will be the responsibility of the National Park Service.

Bicycling is usually prohibited in areas that are set aside for interpretation and wildlife observation. Therefore bicycling will be prohibited on the Dyke Marsh Trail and associated boardwalk areas. This action is in accordance with 36 CFR Section 4.30 (a) which states that "the use of bicycles is prohibited except on park roads, in parking areas and on routes designated for bicycle use [like the Mount Vernon Trail]..." The compatibility of allowing pets in a wildlife preserve area like Dyke Marsh has been questioned, especially since many pet owners do not obey leash laws. According to 36 CFR Section 2.15(a)(2) "Failing to crate, cage, restrain on a leash which shall not exceed six feet in length or otherwise physically confine a pet at all times... *is prohibited.*" To mitigate the potential increase of pets off leash in the marsh and the associated adverse impacts to wildlife and wildlife habitats, the park will increase education efforts, monitor illegal pet use in the marsh and study the possibility of prohibiting all pet use in the marsh.

Long-term positive impacts include enhancement of the protection of the wetland ecosystem of Dyke Marsh and ultimately the Chesapeake Bay by directing visitor use off of and away from sensitive areas such as nesting bird sites and sensitive and rare plant areas. Long-term negative impacts will occur due to shading or loss of vegetation directly under the approximately 7,700 square feet (1100 linear feet) of boardwalk. Long-term impacts could also result from an increase in disturbances to nesting birds and other wildlife due to greater human use of the area. These disturbances might be mitigated, however, by a decrease in the amount of dispersed human use of the marsh. The tendency of visitors to stay on the boardwalk may localize the disturbances to only that immediate area, rather than spreading it around unpredictably.

No known impacts to cultural or archeological resources within or near Dyke Marsh are likely to occur since the land upon which this boardwalk is proposed for construction is comprised of recent fill, and the project area is remote from any National Register sites. The undertaking is believed to have no potential to effect historic properties and has been reviewed by the State Historic Preservation Officer of the Commonwealth of Virginia who agreed with the Park Historian's determination based upon the knowledge that all affected lands are previously disturbed and no historic properties would be impacted.

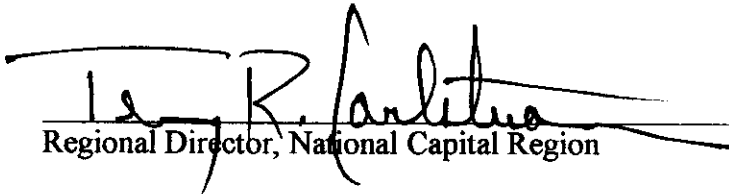
Maintenance requirements will increase in order to conduct periodic inspections of the new boardwalk and maintain the structure as necessary. Sustainable design practices will be incorporated in order to ensure the structure is flood resistant and achieves its maximum useful lifetime. Although this alternative includes routes to the north of the peninsula where impacts from the dynamics of the river, such as flow velocity, wave action and floating debris may be greater, a general consensus from the public and park staff indicates that this route best balances protection of sensitive species, visitor access and educational opportunities and boardwalk maintenance requirements.

The construction of the boardwalk as described in the Preferred Alternative is an Excepted Action under NPS 75 - Floodplain Management Guideline (1993):

- "Picnic facilities, scenic overlooks, foot trails, and associated daytime facilities in non-high hazard areas."
- and is compliant with Executive Order 11988 "Floodplain Management" for the same reasons.

In addition, the boardwalk has been reviewed by all federal, state and local agencies with regulatory control of wetlands and In a letter from the Virginia Department of Conservation and Recreation signed on February 24, 2000, the commonwealth approved the boardwalk construction and. In addition, the boardwalk was reviewed and approved by both the Virginia Marine Resource Commission and Fairfax County Wetlands Board in site visits. Because this action has the concurrence of the Commonwealth and the county, and since Service has included public review and comment as required through this Environmental Assessment and Executive Order 11990 Protection of Wetlands, as published in 1977, and has further considered the positive recreational benefits to the public, no further compliance with Executive Order 11990 is required.

Visitor use of the area will be enhanced by improvements of the access to Dyke Marsh and by eliminating the need to slog through wet and muddy conditions. In addition, some of the currently inaccessible parts of the marsh will be made accessible and interpretive wayside exhibits will contribute to visitor enjoyment and better understanding of the importance of the nation's wetlands.


Regional Director, National Capital Region

Date 6/23/00